

RECEIVED  
CENTRAL FAX CENTER

FEB 23 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicant: Frank A. Skraly and Martha Sholl

Serial No.: 09/909,574

Art Unit: 1652

Filed: July 20, 2001

Examiner: Yong D. Pak

For: *PRODUCTION OF POLYHYDROXYALKANOATES FROM POLYOLS*Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

Responsive to the Office Action mailed on October 21, 2003, please amend the application as follows. Submitted with this Amendment and Response is a Petition for Extension of Time to extend the period for response one month, to and including February 23, 2004, and a Request for Continued Examination. The Commissioner is hereby authorized to charge \$440.00, the fee for a one-month extension of time and a Request for Continued Examination, for a small entity, to Deposit Account No. 50-1868.

It is believed that no additional fee is required with this submission. However, should an additional fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-1868.

**HOLLAND & KNIGHT LLP**

One Atlantic Center  
1201 West Peachtree Street, N.E.  
Suite 2000  
Atlanta, Georgia 30309-3400

404-817-8500  
404-881-0470 FAX

www.hklaw.com

Annapolis  
Atlanta  
Bethesda  
Boston  
Bradenton  
Chicago  
Fort Lauderdale  
Jacksonville  
Lakeview  
Los Angeles  
Melbourne  
Miami  
New York  
Northern Virginia  
Orlando  
Portland  
Providence  
St. Petersburg  
San Antonio

San Francisco  
Seattle  
Tallahassee  
Tampa  
Washington, D.C.  
West Palm Beach

Holland & Knight LLC

International Offices:  
Caracas  
Helsinki  
Mexico City  
Rio de Janeiro  
Sao Paulo  
Tel Aviv  
Tokyo

\*Representative Offices

**RECEIVED**  
**CENTRAL FAX CENTER**

**FEB 23 2004**

**OFFICIAL**

**FACSIMILE****TO:**

|                   |  |                           |
|-------------------|--|---------------------------|
| <b>Group 1600</b> | <b>Assistant Commissioner<br/>for Patents - Group 1600</b> | <b>703-872-9306</b>       |
| <b>NAME</b>       | <b>COMPANY/FIRM</b>  | <b>FAX NUMBER</b>         |
| <b>Alexandria</b> | <b>VA.</b>   | <b>703-308-0196</b>       |
| <b>CITY</b>       | <b>STATE</b>   | <b>(TELEPHONE NUMBER)</b> |

**FROM:**

|                         |                     |  |
|-------------------------|---------------------|--|
| <b>Rivka D. Monheit</b> | <b>404-817-8514</b> | <b>13</b>                                  |
| <b>NAME</b>             | <b>TELEPHONE</b>    | <b>TOTAL PAGES (Including Cover Sheet)</b> |

**FOR THE RECORD:**

|  |  |
|--|--|
| <b>DATE: February 23, 2004</b>   | <b>URGENCY: <input type="checkbox"/> SUPER RUSH <input type="checkbox"/> RUSH <input type="checkbox"/> REGULAR</b> |
| <b>FAXED BY:</b>   | <b>FILE #: 77832.74 CLIENT NAME: MBX 039</b>   |
| <b>CONFIRMED: <input type="checkbox"/> YES <input type="checkbox"/> NO</b> | <b>NAME: Peggy Bailey TIME:</b>  |

If you did not receive all of  
the pages or find that they  
are illegible, please call  
(404) 817-8500

**CONFIDENTIALITY NOTICE:** This facsimile, along with any documents, files, or attachments, may contain information that is confidential, privileged, or otherwise exempt from disclosure. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, printing, distribution or use of any information contained in or attached to this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by facsimile or by telephone collect at the numbers stated above, and destroy the original facsimile and its attachments without reading, printing, or saving in any manner. Your cooperation is appreciated. Thank you.

**MESSAGE:**

**Re: Applicant: Frank A. Skraly and Martha Sholl**

**Serial No.: 09/909,574 Art Unit: 1652**

**Filed: July 20, 2001 Examiner: Yong D. Pak**

**For: PRODUCTION OF POLYHYDROXYALKANOATES FROM POLYOLS**

# 1721696\_v1

PTO/S9/21 (08-03)

Approved for use through 07/31/2006. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

|   |                      |                        |         |
|---|----------------------|------------------------|---------|
| <b>TRANSMITTAL<br/>FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 09/909,574             |         |
|   | Filing Date          | July 20, 2001          |         |
|   | First Named Inventor | Frank A. Skraly et al. |         |
|   | Art Unit             | 1652                   |         |
|   | Examiner Name        | Yong D. Pak            |         |
| Total Number of Pages in This Submission  | 12                   | Attorney Docket Number | MBX 039 |

| ENCLOSURES (Check all that apply)  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Request for Examination (RCE) |
| Remarks  |  |  |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT   |  |  |
| Firm or Individual name  | Rivka D. Monheit, Esq., Reg. No. 48,731 Holland & Knight LLP<br>Suite 2000, One Atlantic Center, 1201 West Peachtree Street, N.E., Atlanta, GA 30309-3400  |  |
| Signature  | <i>Rivka D. Monheit</i>  |  |
| Date   | February 23, 2004  |  |

| CERTIFICATE OF TRANSMISSION/MAILING   |                     |                        |
|---|---------------------|------------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                     |                        |
| Typed or printed name   | Peggy Bailey        |                        |
| Signature   | <i>Peggy Bailey</i> | Date February 23, 2004 |

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$).440.00**Complete if Known**

|                      |                        |
|----------------------|------------------------|
| Application Number   | 09/909,574             |
| Filing Date          | July 20, 2001          |
| First Named Inventor | Frank A. Skraly et al. |
| Examiner Name        | Yong D. Pak            |
| Art Unit             | 1652                   |
| Attorney Docket No.  | MBX 039                |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

50-1868

Holland &amp; Knight LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid          |
|----------------------------|----------------------------|------------------------|-------------------|
| 1001 770                   | 2001 385                   | Utility filing fee     |                   |
| 1002 340                   | 2002 170                   | Design filing fee      |                   |
| 1003 530                   | 2003 265                   | Plant filing fee       |                   |
| 1004 770                   | 2004 385                   | Reissue filing fee     |                   |
| 1005 160                   | 2005 80                    | Provisional filing fee |                   |
| <b>SUBTOTAL (1)</b>        |                            |                        | <b>(\$).00.00</b> |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|----------|
| 11           | 21* =        | X              |          |
| 4            | 13** =       | X              |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid          |
|----------------------------|----------------------------|--|-------------------|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |                   |
| 1201 86                    | 2201 43                    | Independent claims in excess of 3                          |                   |
| 1203 290                   | 2203 145                   | Multiple dependent claim, if not paid                      |                   |
| 1204 86                    | 2204 43                    | ** Reissue independent claims over original patent         |                   |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |                   |
| <b>SUBTOTAL (2)</b>        |                            |  | <b>(\$).00.00</b> |

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee Code (\$)                                       | Small Entity Fee Code (\$) | Fee Description  | Fee Paid           |
|--|----------------------------|--|--------------------|
| 1051 130   | 2051 65                    | Surcharge - late filing fee or oath  |                    |
| 1052 50  | 2052 25                    | Surcharge - late provisional filing fee or cover sheet                     |                    |
| 1053 130   | 1053 130                   | Non-English specification  |                    |
| 1812 2,520   | 1812 2,520                 | For filing a request for <i>ex parte</i> reexamination                     |                    |
| 1804 920*  | 1804 920*                  | Requesting publication of SIR prior to Examiner action                     |                    |
| 1805 1,840*  | 1805 1,840*                | Requesting publication of SIR after Examiner action                        | 55.00              |
| 1251 110   | 2251 55                    | Extension for reply within first month                                     |                    |
| 1252 420   | 2252 210                   | Extension for reply within second month                                    |                    |
| 1253 650   | 2253 475                   | Extension for reply within third month                                     |                    |
| 1254 1,480   | 2254 740                   | Extension for reply within fourth month                                    |                    |
| 1255 2,010   | 2255 1,005                 | Extension for reply within fifth month                                     |                    |
| 1401 330   | 2401 165                   | Notice of Appeal   |                    |
| 1402 330   | 2402 165                   | Filing a brief in support of an appeal                                     |                    |
| 1403 290   | 2403 145                   | Request for oral hearing   |                    |
| 1451 1,510   | 1451 1,510                 | Petition to institute a public use proceeding                              |                    |
| 1452 110   | 2452 55                    | Petition to revive - unavoidable   |                    |
| 1453 1,330   | 2453 665                   | Petition to revive - unintentional   |                    |
| 1501 1,330   | 2501 665                   | Utility issue fee (or reissue)   |                    |
| 1502 480   | 2502 240                   | Design issue fee   |                    |
| 1503 640   | 2503 320                   | Plant issue fee  |                    |
| 1460 130   | 1460 130                   | Petitions to the Commissioner  |                    |
| 1807 50  | 1807 50                    | Processing fee under 37 CFR 1.17(q)  |                    |
| 1808 180   | 1808 180                   | Submission of Information Disclosure Stmt                                  |                    |
| 8021 40  | 8021 40                    | Recording each patent assignment per property (times number of properties) |                    |
| 1809 770   | 2809 385                   | Filing a submission after final rejection (37 CFR 1.128(a))                |                    |
| 1810 770   | 2810 385                   | For each additional invention to be examined (37 CFR 1.128(b))             |                    |
| 1801 770   | 2801 385                   | Request for Continued Examination (RCE)                                    | 385.00             |
| 1802 900   | 1802 900                   | Request for expedited examination of a design application                  |                    |
| Other fee (specify) <u>2 Cents. under 37 CFR 3.73 B Terminal</u> |                            |  |                    |
| *Reduced by Basic Filing Fee Paid                                |                            |  |                    |
| <b>SUBTOTAL (3)</b>  |                            |  | <b>(\$).440.00</b> |

**SUBMITTED BY**

|                   |                         |                                   |                   |           |                |
|-------------------|-------------------------|-----------------------------------|-------------------|-----------|----------------|
| Name (Print/Type) | Rivka D. Monheit        | Registration No. (Attorney/Agent) | 48,731            | Telephone | (404) 817-8514 |
| Signature         | <i>Rivka D. Monheit</i> | Date                              | February 23, 2004 |           |                |

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/30 (08-03)

Approved for use through 07/31/2006. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# Request For Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

|                        |                        |
|------------------------|------------------------|
| Application Number     | 09/909,574             |
| Filing Date            | July 20, 2001          |
| First Named Inventor   | Frank A. Skraly et al. |
| Art Unit               | 1652                   |
| Examiner Name          | Yong D. Pak            |
| Attorney Docket Number | MBX 039                |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)

b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1868

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                   |                         |                                   |                   |
|-------------------|-------------------------|-----------------------------------|-------------------|
| Name (Print/Type) | Rivka D. Monheit        | Registration No. (Attorney/Agent) | 48,731            |
| Signature         | <i>Rivka D. Monheit</i> | Date                              | February 23, 2004 |

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

|                   |                     |      |                   |
|-------------------|---------------------|------|-------------------|
| Name (Print/Type) | Peggy Bailey        | Date | February 23, 2004 |
| Signature         | <i>Peggy Bailey</i> |      |                   |

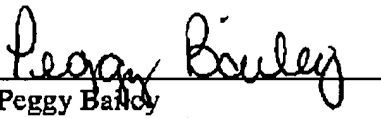
This collection of information is required by 37 CFR 1.114. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

U.S.S.N. 09/909,574  
Filed: July 20, 2001  
AMENDMENT AND RESPONSE TO OFFICE ACTION

**Certificate of Facsimile Transmission**

I hereby certify that this Amendment and Response to Office Action, and any documents referred to as attached therein are being facsimile transmitted on this date, February 23, 2004, to the Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Peggy Bailey

Date: February 23, 2004

# 1720898\_v1